

Automated Export System

Downtime Guidelines

September 2017



U.S. Customs and
Border Protection



AES Downtime Guidelines

Effective: December 2009

PART IV.

**Standard Guidelines
for
Processing of Electronic Export Information

During Downtime of AES, the AESDirect
program, and
Downtime of AES Participant's Computer System**

September 2017

AESTIR Part IV

AES Downtime Guidelines**Effective: December 2009**

Table of Contents

Section 1. Purpose	4
Section 2. Background.....	4
Section 3. Definitions	4
Section 4. General Policy	5
A. AES or AES <i>Direct</i> System Downtime	5
B. USML Filings	4
C. Participant System Downtime.....	4
D. Enforcement Verification	4
E. Downtime Matrix – Time Frames and Procedures.....	6
Section 5. Action – Downtime	7
A. AES Participants’ Responsibilities	7
1. Participant Unable to Transmit.....	7
2. Downtime Procedures.....	7
a. Commodity Data.....	7
b. Transportation Data	7
3. Record Keeping	8
4. Late Messages	8
5. Holds	8
B. Government’s Responsibilities	8
1. Client Representatives and the National Data Center	8
2. Unresolved Problems.....	8
3. Notification of Customs and Border Protection Ports	7
4. Verifications	9
5. Holds	9
6. Evidence of Compliance.....	9
7. State Department Licenses and License Exemptions	9
Section 6. Miscellaneous	8
Section 7. Points Of Contact.....	8

AES Downtime Guidelines

Effective: December 2009

Section 1. Purpose

These guidelines provide uniform procedures for the processing of Electronic Export Information (EEI) when the Automated Export System (AES), AESDirect system or the computer system of an AES participant is unavailable for transmission.

Section 2. Background

This document was written to meet the requirements of the “Customs and Border Protection (CBP), and the Contingency Management Strategy for Mission Critical Mainframe Applications.” This document is a condensed and concise version of the “Contingency of Operations Plans” (COOP) for exports and will serve as a guideline for any failure of AES, AES Direct, or the participant’s systems connected to AES.

The primary purpose of the COOP is to serve as guidelines in the event that AES or a related system experiences a major failure due to unforeseen problems, to serve as a guide both for CBP and the public in case of any failure of AES or related system.

All possible precautions have been taken to minimize downtime of AES. However, occasionally downtime may be experienced due to routine and/or unscheduled maintenance of AES performed by the CBP, Office of Information Technology. Also, downtime can be caused by damage to the National mainframe computer by natural disaster, war, civil disturbance, or catastrophic breakdown. In addition, AES participants may experience downtime due to malfunctions of their equipment.

All CBP Ports, AES Participants, and Government agencies involved with AES are asked to become familiar with these guidelines and ensure that local procedures reflect the policies in this document. In case of emergency, these plans will ensure that normal operations of the export process can proceed with minimal interruption.

Section 3. Definitions

AES Participant – Any individual or entity (U.S. Principal Party in Interest (exporter), forwarding agent, carrier, consolidator, service center/bureau, or port authority) actively reporting export information (commodity and/or transportation data) electronically through AES.

AES Downtime – Anytime the AES computer system or AESDirect system is inaccessible and as a result, commodity and/or transportation data cannot be reported within the required time frames.

Participant Downtime – Anytime the computer system of an AES participant is inaccessible and, as a result, commodity and/or transportation data cannot be reported within the required time frames.

Export Transaction – Any commodity being exported that requires the transmission of commodity data (Electronic Export Information (EEI), and/or transportation data (Booking Messages, Receipt of Booking Messages, Departure Messages, or Manifest Messages) reported electronically through AES.

Severe Circumstances – Situations such as natural disasters, civil disturbances, war, or catastrophic accident involving either AES or a participant’s computer systems, which may make normal automated reporting and verification through AES impossible.

State Department License and License Exemptions – Licenses are issued by the Department of State, Directorate of Defense Trade Controls (DDTC) for the export of defense related items. License

AES Downtime Guidelines

Effective: December 2009

exemptions are exports of defense articles not requiring a specific written license from DDTC provided that the shipment meets the specific qualifications under the exemption.

Commerce License and License Exceptions – Licenses are issued by the Department of Commerce, Bureau of Industry and Security (BIS) for the export of dual-use commodities and other controlled goods. License exceptions are exports of dual-use commodities that do not require a specific written license from BIS provided that the shipment meets the qualifications under the exception.

Commerce Control List – A list of items found in Supplement No. 1 to Part 774 of the Export Administration Regulations (EAR). Supplement No. 2 to Part 774 of the EAR contains General Technology and Software notes relevant to entries contained in the CCL.

Other Agency Licenses – Licenses are issued by departments, bureaus or agencies of the U.S. Government for the control of commodities being exported from the United States.

United States Munitions List (USML) – Commodities, technology, or services that are controlled for export purposes under either a license or a license exemption by the Directorate of Defense Trade Controls.

Section 4. General Policy

A breakdown of the AES system may cause a major disruption of the export process. Because of the importance of export trade statistics in the formulation of trade policy and export enforcement, the following policy has been established.

A. AES or AES*Direct* System Downtime

Shipments reported in AES for which full pre-departure information is required, but not requiring an export license or license exemption (**USML specific**), will continue to be exported without interruption because the Government's system is unavailable. When the Government's AES is unavailable, the goods may be exported and the filer must: A) Provide the appropriate downtime filing citation as described in FTR Section 30.7(b) and Appendix D to 15 CFR Part 30, Foreign Trade Regulations (FTR) (Example: AESDOWN Filer ID mm/dd/yyyy) and B) Report the EEI at the first opportunity AES is available.

B. USML Filings

If AES is unavailable, the filer of a USML shipment shall not be allowed to export until the AES is operational and the filer is able to acquire an ITN. See FTR Section 30.4(b)(1) for more information.

C. Participant System Downtime

If the participant's AES system is unavailable, the participant must delay the export of the goods or find an alternative method of filing.

D. Enforcement Verification

During downtime, enforcement verification of export transactions will continue. This means that the CBP officers, under the authority of 22 USC 401, will review waybills, manifests, and bookings to target high-risk shipments. Carriers, United States Principal Party in Interests (USPPI), or their agents will be contacted by phone/fax, or in person, to detain shipments for examination or to release shipments from detention. Targeting through AES will resume immediately when AES becomes available.

AES Downtime Guidelines

Effective: December 2009

E. Downtime Matrix – Time Frames and Procedures

Tables 1 and 2 summarize the time frames and procedures for filing commodity and transportation data when AES and/or participating systems are unavailable. See Section 5 for step-by-step guidelines.

Table 1 – Commodity Data Downtime Matrix.

COMMODITY DATA Filing Status	Procedure
Predeparture (Non-Licensed)	Participant system unavailable – Delay export of goods or find alternative filing method AES or AESDirect system unavailable – goods may be exported, provide appropriate downtime filing citation as described in FTR 30.7(b), report EEI at first opportunity AES is available
Predeparture (Licensed Cargo BIS and OFAC)	Participant system unavailable – Delay export of goods or find an alternative filing method. AES or AESDirect system unavailable – goods may be exported, provide appropriate downtime filing citation as described in FTR 30.7(b), report EEI at first opportunity AES is available
Predeparture (USML)	For USML shipments, if a filer is unable to acquire an ITN during downtime, the filer shall not export until the AES is operating and an ITN is acquired
Postdeparture (Non-Licensed)	Electronic filing of the data elements required by FTR Section 30.6 no later than ten calendar days from the date of exportation, or should AES downtime span the tenth calendar day, then at the first opportunity AES becomes available.

Table 2 – Transportation Data Downtime Matrix.

TRANSPORTATION DATA Message	Procedure
Booking Message	Produce paper-booking report upon request. Transmit full booking data for all departed bookings, not already transmitted, within 14 calendar days after the system is available.
Receipt of Booking Message	Transmit all receipts of bookings, not already transmitted, within 14 calendar days after system is available.
Departure Message	Transmit all departures, not already transmitted, within 14 calendar days after system is available.
Manifest Message	Produce a paper manifest to Customs. Transmit all manifests (Bills of Lading), not already transmitted, within 14 calendar days after system is available. This includes those for which a paper manifest has been provided.

AES Downtime Guidelines**Effective: December 2009****Section 5. Action – Downtime****A. AES Participants' Responsibilities**

AES participants will implement the following procedures when they are notified that the system is unavailable or when they are unable to transmit through AES.

1. Participant Unable to Transmit

When participants are unable to transmit through AES, they should immediately analyze their system and ascertain the reason. If the problem lies with AES, the downtime procedures listed below should be followed. Participants may refer to their AES Client Representatives or CBP point of contact for further information on the outage. If the participant's AES is unavailable, the filer must delay the export of the goods or find an alternative method of filing.

If it appears that the problem cannot be quickly resolved, and may have a substantial impact on the participant's ability to transmit, the participant should contact their AES Client Representative and the Assistant Port Director for CBP Operations at the nearest port. If assistance is needed in determining where the source of the problem lies, the participant should call their AES Client Representative. Participants should make these notifications, circumstances permitting, within two hours of determining that the problem with their system will not be quickly remedied.

2. Downtime Procedures**a. Commodity Data**Predeparture (USML)

For USML mandatory shipments, if a filer is unable to acquire an ITN during AES or Participant downtime, the filer shall not export until the AES is operating and an ITN is acquired.

Predeparture (BIS and OFAC License Required)

Participant Downtime – Delay export of goods or find alternative filing method.

AES or AESDirect downtime – goods may be exported, provide appropriate downtime filing citation as described in FTR 30.7(b), report EEI at first opportunity AES is available.

Predeparture (Non-Licensed)

Participant Downtime – Delay export of goods or find alternative filing method.

AES or AESDirect downtime – goods may be exported, provide appropriate downtime filing citation as described in FTR 30.7(b), report EEI at first opportunity AES is available.

Postdeparture (Non-USML)

The electronic filing of the data elements required by FTR Section 30.6 must be filed no later than ten calendar days from the date of exportation, or should AES downtime span the tenth calendar day, then at the first opportunity AES becomes available.

AES Downtime Guidelines

Effective: December 2009

b. Transportation Data

AES vessels will continue to depart as usual during downtime. AES participants will revert to manual reporting of manifests for new departures when AES transmissions are interrupted. For the AES carriers only, the manual presentation of the manifest will be due at the time of clearance of the vessel when clearing has been completed or within four calendar days of sailing when clearing is incomplete. When AES transmissions resume, the carrier will transmit all Bookings, Receipt of Bookings, Departure, and Manifest messages (in the specific order) that occurred during the downtime. These messages will be transmitted as soon as possible after the carrier's system or AES becomes available again. However, the backlog must be transmitted within fourteen calendar days after the system's availability is restored.

3. Record Keeping

AES participants should keep copies of export documentation readily available for inspection by CBP officers until electronic transmission into AES resumes. After recordation in AES, participants will archive commodity data (e.g., EEI) and transportation data (e.g. manifests) in accordance with Department of Commerce and CBP record keeping regulations and guidelines.

4. Late Messages

AES participants should ignore "SHIPMENT REPORTED LATE" error messages for those backlogged transactions unable to be reported during AES downtime.

5. Holds

AES participants should contact the local Assistant Port Director for CBP Operations to confirm the status of any shipments that were placed on hold prior to or during downtime.

B. Government's Responsibilities

During any downtime, CBP and the Census Bureau will be responsible for the following:

1. CBP Client Representatives and the National Data Center

When notified of a problem with AES or AESDirect, CBP Client Representatives and the National Data Center will follow procedures in the CBP document "Trade & Field Support Problem Escalation – Internal Use" to resolve the problem.

2. Unresolved Problems

If the AES system problem cannot be remedied in a short time (less than **two hours**), and the problem will have a major impact on AES transmissions, the National Data Center will ensure that the Director, Outbound Enforcement Division, AES Team and Client Representative Team Leaders are informed. The Director of Outbound Enforcement Division is responsible for informing the Chief, Foreign Trade Division, Bureau of the Census. The AES Client Representative Team Leader will notify the AES Client Representatives and AES participants. An AES broadcast from Census may also be used to inform the participants of any downtime and the downtime policy will also be utilized.

The Director, Outbound Enforcement Division will use their discretion in notifying the Assistant Port Directors for CBP Operations and the Exodus Command Center.

AES Downtime Guidelines

Effective: December 2009

3. Notification of Customs and Border Protection Ports

CBP officers will be notified that AES is unavailable by any of the following:

- A 505 or 504 error message when attempting to log on the system;
- A comment in the status column on the TPX menu that AES is unavailable;
- A message from the Director, Outbound Enforcement Division;
- A notification from a Client Representative or AES participant that there is a problem with their system.

4. Verifications

Enforcement verifications of export transactions will revert to inspection of shipment documentation during AES downtime. This means that CBP officers will need to review waybills, manifests and bookings to target for high-risk shipments. Carriers, USPPs, or the agents must be contacted by fax/phone, or in person, to detain shipments for inspection or to release those shipments. Targeting through AES should resume immediately when AES is available.

5. Holds

CBP officers should respond immediately to inquiries from AES participants concerning holds. Officers should keep a manual record of inspection results until AES becomes available, at which time the CBP officers will record inspection results in AES.

6. Evidence of Compliance

During AES or Participant downtime, CBP officers should accept export documents with the AES exemption statements, proof of filing statements, or the presentation, upon request, of the participant's copies of export documentation awaiting input into AES (see 5A3) as evidence of the participant's compliance with export regulations. If there is a question about compliance, CBP officers may verify exports in AES after the AES participant has had reasonable time to input their backlog.

7. State Department Licenses and License Exemptions

Exports requiring State Department Licenses or License exemptions should be delayed if AES has an unscheduled outage.

8. Bureau of Industry and Security (BIS) or Office of Foreign Assets Control (OFAC) Licenses

Exports requiring either a Bureau of Industry and Security (BIS) or Office of Foreign Assets Control (OFAC) license should be delayed if AES has an unscheduled outage.

Section 6. Miscellaneous

AES receives and edits information from other agencies. These agencies should contact the Director, Outbound Enforcement Division at (202) 344-1376, if there is a problem with the transmission of the AES information. The Director, Outbound Enforcement Division or their representative will evaluate the situation and contact the appropriate headquarters and field personnel.

Section 7. Points of Contact

AES Downtime Guidelines**Effective: December 2009**

The National Data Center and AES Team Personnel, Assistant Port Directors for CBP Operations, Census Bureau and CBP Client Representatives, and AES participants should ensure that all personnel engaged in AES processing are aware of, and follow these guidelines. For questions regarding this policy, AES participants should contact their assigned CBP or Census Client Representatives, or Outbound Enforcement Division at (202) 344-1376, or Census at (800) 549-0595, Option 1.